

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01360-MJW

UNITED STATES OF AMERICA,

Plaintiff,

v.

709 SANTA BARBARA AVENUE, PUEBLO, COLORADO,

Defendants.

**ORDER ON
UNITED STATES OF AMERICA'S MOTION FOR DEFAULT AND FINAL ORDER OF
FORFEITURE (DOCKET NO. 23)**

MICHAEL J. WATANABE
United States Magistrate Judge

This case has been referred to the undersigned by Chief Judge Marcia S. Krieger for all purposes (see Docket No. 15) upon the consent of the parties (see Docket No. 11) pursuant to 28 U.S.C. § 636(c) and the Pilot Program to Implement the Direct Assignment of Civil Cases to Full Time Magistrate Judges.

This matter is before the court on the United States of America's Motion for Default and Final Order of Forfeiture (Docket No. 23). No response has been filed. The court has reviewed the subject motion (Docket No. 23), has taken judicial notice of the court file, and has considered applicable Federal Rules of Civil Procedure and case law. The court now being fully informed makes the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The court finds:

1. That I have jurisdiction over the subject matter and over the parties to this lawsuit;
2. That venue is proper in the state and District of Colorado;
3. That each party has been given a fair and adequate opportunity to be heard;
4. That the United States commenced this action *in rem* pursuant to 21 U.S.C. § 881;
5. That publication has been effected as required by Rule G(4) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, and all known interested parties have been provided an opportunity to respond;
6. That after proper notice, neither the known potential claimants, nor any other third party, has filed a Claim or Answer as to defendant assets as required by Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;
7. That the Clerk of Court entered a Clerk's default pursuant to Fed. R. Civ. P. 55(a) on October 2, 2014. (Docket No. 21);
8. That based upon the facts and verification set forth in the Verified Complaint, it appears by a preponderance of the evidence that there was reasonable cause for the seizure of defendant assets, and a Certificate of Reasonable Cause is granted pursuant to 28

U.S.C. § 2465. It further appears that there is cause to issue a forfeiture order under 21 U.S.C. § 881;

9. That the facts and verifications as set forth in the Verified Complaint provide probable cause and an ample basis by a preponderance of the evidence for a final Judgment and Order of Forfeiture as to defendant 709 Santa Barbara Avenue, Pueblo, Colorado; and
10. That the Clerk of Court shall be directed to enter Judgment as to defendant 709 Santa Barbara Avenue, Pueblo, Colorado.

ORDER

WHEREFORE, for the foregoing reasons, it is hereby

ORDERED that the United States of America's Motion for Default and Final Order of Forfeiture (Docket No. 23) is **granted**. It is further

ORDERED that default judgment shall enter for the United States of America, and forfeiture of defendant 709 Santa Barbara Avenue, Pueblo, Colorado, including all right, title, and interest is hereby entered in favor of the United States pursuant to 21 U.S.C. § 881. The United States shall have full and legal title as to 709 Santa Barbara Avenue, Pueblo, Colorado, which is more fully described as follows:

Lots 21 Thru 23 Blk 4, Sunny Heights Subdivision, First filing,
County of Pueblo,
State of Colorado,

subject to any higher-priority lien, and may dispose of said property in accordance with law. It is further

ORDERED that this Default and Final Order of Forfeiture shall serve as a Certificate of Reasonable Cause as to 709 Santa Barbara Avenue, Pueblo, Colorado under 28 U.S.C. § 2465. It is further

ORDERED that the Clerk of Court is directed to enter Judgment as to 709 Santa Barbara Avenue, Pueblo, Colorado. It is further

ORDERED that plaintiff United States of America is awarded its costs, if any.

Done this 12th day of December, 2014.

BY THE COURT

s/Michael J. Watanabe
MICHAEL J. WATANABE
U.S. MAGISTRATE JUDGE